UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/507
26 October 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 115 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights

Report of the Secretary-General

1. The General Assembly, by its resolution 2200 A (XXI) of 16 December 1966, adopted and opened for signature, ratification or accession the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, and expressed the hope that the Covenants and the Optional Protocol would be signed, ratified or acceded to without delay. The Assembly also requested the Secretary-General to submit to it at its future sessions reports concerning the status of ratification of the Covenants and of the Optional Protocol. In response to that request, reports on the status of the International Covenants and the Optional Protocol have been submitted annually to the Assembly since its twenty-second session in 1967.

2. Both Covenants and the Optional Protocol were opened for signature at New York on 19 December 1966. In accordance with their respective provisions, 1/ the International Covenant on Economic, Social and Cultural Rights entered into force on 3 January 1976, the International Covenant on Civil and Political Rights entered into force on 23 March 1976, and the Optional Protocol to the International Covenant on Civil and Political Rights, having received the required number of ratifications or accessions, entered into force simultaneously with that Covenant on 23 March 1976.

3. In its resolution 46/113 of 17 December 1991, the General Assembly, inter alia, again urged all States that had not yet done so to become parties to both Covenants, as well as to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights; invited the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant; appealed to States

parties to the Covenants that had exercised their sovereign right to make reservations in accordance with relevant rules of international law to consider whether any such reservations should be reviewed; and encouraged all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights and to distribute them and make them known as widely as possible in their territories. The Assembly also requested the Secretary-General to submit to it at its forty-eighth session a report on the status of the Covenants and the Optional Protocols.

4. As at 1 August 1993, the International Covenant on Economic, Social and Cultural Rights had been ratified or acceded to by 123 States, the International Covenant on Civil and Political Rights had been ratified or acceded to by 122 States and the First Optional Protocol to the International Covenant on Civil and Political Rights had been ratified or acceded to by 73 States. The list of States that have signed, ratified or acceded to the Covenants and the Optional Protocol and the dates of their signatures, ratifications, or accessions appear in annexes I to III of the present report.

5. The General Assembly, by its resolution 44/128 of 15 December 1989, adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty, and called upon all Governments in a position to do so to consider signing and ratifying or acceding to the Second Optional Protocol.

6. The Second Optional Protocol to the International Covenant on Civil and Political Rights entered into force on 11 July 1991, three months after the date of deposit with the Secretary-General of the tenth instrument of ratification or accession. As at 1 August 1993, the Second Optional Protocol had been ratified or acceded to by 18 States. In addition, it had been signed by another 6 States. The list of States that have signed, ratified or acceded to the Second Optional Protocol, as well as the dates of their signature, ratification or accession thereto, is contained in annex IV to the present report.

7. Upon ratification of the International Covenant on Civil and Political Rights or subsequently, the Governments of Algeria, Argentina, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Chile, Congo, the Czech Republic, Denmark, Ecuador, Finland, the Gambia, Germany, Guyana, Hungary, Iceland, Ireland, Italy, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Peru, the Philippines, Poland, the Republic of Korea, the Russian Federation, Senegal, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zimbabwe made the declaration provided for in article 41 of the Covenant, recognizing the competence of the Human Rights Committee established under article 28 of the Covenant to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant. The provisions of article 41 entered into force on 28 March 1979 in accordance with paragraph 2 of that article.

8. As regards the implementation of the International Covenant on Economic, Social and Cultural Rights, the Committee on Economic, Social and Cultural Rights, established in accordance with Economic and Social Council resolution 1985/17 of 28 May 1985, held its sixth, seventh and eighth sessions at the United Nations Office at Geneva from 25 November to 13 December 1991, 23 November to 11 December 1992 and 10 to 28 May 1993, respectively. It submitted reports to the Economic and Social Council at its substantive sessions of 1992 and of 1993 2/ in which it made suggestions and recommendations concerning issues arising from the consideration of reports submitted by States parties to the Covenant.

9. As regards the implementation of the International Covenant on Civil and Political Rights, the Human Rights Committee held its forty-third session at the United Nations Office at Geneva from 21 October to 8 November 1991, its forty-fourth session at United Nations Headquarters from 23 March to 10 April 1992, and its forty-fifth session at the United Nations Office at Geneva from 13 to 31 July 1992. The forty-sixth session was held at the United Nations Office at Geneva from 19 October to 6 November 1992; the forty-seventh session was held at United Nations Headquarters from 22 March to 8 April 1993; and the forty-eighth session was held at the United Nations Office at Geneva from 12 to 30 July 1993. In accordance with article 45 of the Covenant and article 6 of the First Optional Protocol, the Committee has submitted its annual reports to the General Assembly at its forty-seventh and forty-eighth sessions 3/ which cover the activities of the Committee at its above-mentioned sessions.

Notes

1/ Article 27 of the International Covenant on Economic, Social and Cultural Rights, article 49 of the International Covenant on Civil and Political Rights and article 9 of the First Optional Protocol.

2/ Official Records of the Economic and Social Council, 1992, Supplement No. 3 (E/1992/23); ibid., 1993, Supplement No. 2 (E/1993/22 and E/1993/L.23).

3/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 40 (A/47/40); ibid., Forty-eighth Session, Supplement No. 40 (A/48/40).

ANNEX I

List of States that have signed, ratified or acceded to the International Covenant on Economic, Social and Cultural Rights

State party	Date of signature	Date of receipt of the instrument of ratification, accession or succession
Afghanistan		24 January 1983 a/
Albania		4 October 1991 a/
Algeria	10 December 1968	12 September 1989
Angola		10 January 1992 a/
Argentina	19 February 1968	8 August 1986
Australia	18 December 1972	10 December 1975
Austria	10 December 1973	10 September 1978
Azerbaijan		13 August 1992
Barbados		5 January 1973 a/
Belarus, Republic of	19 March 1968	12 November 1973
Belgium	10 December 1968	21 April 1983
Benin		12 March 1992 a/
Bolivia		12 August 1982 a/
Brazil		24 January 1992 a/
Bulgaria	8 October 1968	21 September 1970
Burundi		9 May 1990 a/
Cambodia	17 October 1980	26 May 1992 a/
Cameroon		27 June 1984 a/
Canada		19 May 1976 a/
Central African Republic		8 May 1981 a/
Chile	16 September 1969	10 February 1972
China b/		
Colombia	21 December 1966	29 October 1969
Congo		5 October 1983 a/
Costa Rica	19 December 1966	29 November 1968
Côte d'Ivoire		26 March 1992 a/
Croatia		12 October 1992 c/
Cyprus	9 January 1967	2 April 1969
Czech Republic		22 February 1993 c/
Democratic People's Republic of Korea		14 September 1981 a/
Denmark	20 March 1968	6 January 1972
Dominica		17 June 1993 a/
Dominican Republic		4 January 1978 a/
Ecuador	29 September 1967	6 March 1969
Egypt	4 August 1967	14 January 1982
El Salvador	21 September 1967	30 November 1979
Equatorial Guinea		25 September 1987 a/
Estonia		21 October 1991 a/
Ethiopia		11 June 1993 a/

State party	Date of signature	Date of receipt of the instrument of ratification, accession or succession
Finland	11 October 1967	19 August 1975
France		4 November 1980 a/
Gabon		21 January 1983 a/
Gambia		29 December 1978 a/
Germany	9 October 1968	17 December 1973
Greece		16 May 1985 a/
Grenada		6 September 1991 a/
Guatemala		19 May 1988 a/
Guinea	28 February 1967	24 January 1978
Guyana	22 August 1968	15 February 1977
Honduras	19 December 1966	17 February 1981 a/
Hungary	25 March 1969	17 January 1974
Iceland	30 December 1968	22 August 1979
India		10 April 1979 a/
Iran (Islamic Republic of)	4 April 1968	24 June 1975
Iraq	18 February 1969	25 January 1971
Ireland	1 October 1973	8 December 1989
Israel	19 December 1966	30 October 1991
Italy	18 January 1967	15 September 1978
Jamaica	19 December 1966	3 October 1975
Japan	30 May 1978	21 June 1979
Jordan	30 June 1972	28 May 1975
Kenya		1 May 1972 a/
Latvia		14 April 1992 a/
Lebanon		3 November 1972 a/
Lesotho		9 September 1992
Liberia	18 April 1967	
Libyan Arab Jamahiriya		15 May 1970 a/
Lithuania		20 November 1991 a/
Luxembourg	26 November 1974	18 August 1983
Madagascar	14 April 1970	22 September 1971 a/
Mali		16 July 1974 a/
Malta	22 October 1968	13 September 1990 a/
Mauritius		12 December 1973 a/
Mexico		23 March 1981 a/
Mongolia	5 June 1968	18 November 1974
Morocco	19 January 1977	3 May 1979
Nepal		14 May 1991 a/
Netherlands	25 June 1969	11 December 1978
New Zealand	12 November 1968	28 December 1978
Nicaragua		12 March 1980 a/
Niger		7 March 1986 a/
Nigeria		29 July 1993 a/
Norway	20 March 1968	13 September 1972
Panama	27 July 1976	8 March 1977
Paraguay		10 June 1992 a/
Peru	11 August 1977	28 April 1978

State party	Date of signature	Date of receipt of the instrument of ratification, accession or succession
Philippines	19 December 1966	7 June 1974
Poland	2 March 1967	18 March 1977
Portugal	7 October 1976	31 July 1978
Republic of Korea		10 April 1990 a/
Republic of Moldova		26 January 1993 a/
Romania	27 June 1968	9 December 1974
Russian Federation	18 March 1968	16 October 1973
Rwanda		16 April 1975 a/
Saint Vincent and the Grenadines		9 November 1981 a/
San Marino		18 October 1985 a/
Senegal	6 July 1970	13 February 1978
Seychelles		5 May 1992 a/
Slovakia		28 May 1993 c/
Slovenia		6 July 1992 c/
Solomon Islands		17 March 1982 c/
Somalia		24 January 1990 a/
Spain	28 September 1976	27 April 1977
Sri Lanka		11 June 1980 a/
Sudan		18 March 1986 a/
Suriname		28 December 1976 a/
Sweden	29 September 1967	6 December 1971
Switzerland		18 June 1992 a/
Syrian Arab Republic		21 April 1969 a/
Togo		24 May 1984 a/
Trinidad and Tobago		8 December 1978 a/
Tunisia	30 April 1968	18 March 1969
Uganda		21 January 1987 a/
Ukraine	20 March 1968	12 November 1973
United Kingdom of Great Britain and Northern Ireland	16 September 1968	20 May 1976
United Republic of Tanzania		11 June 1976 a/
United States of America	5 October 1977	
Uruguay	21 February 1967	1 April 1970
Venezuela	24 June 1969	10 May 1978
Viet Nam		24 September 1982 a/
Yemen		9 February 1987
Yugoslavia	8 August 1967	2 June 1971
Zaire		1 November 1976 a/
Zambia		10 April 1984 a/
Zimbabwe		13 May 1991 a/

(Footnotes on following page)

(Footnotes to table)

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a/ Accession.

b/ Following the adoption by the General Assembly of resolution 2758 (XXVI) of 25 October 1971 on the restoration of the lawful rights of the People's Republic of China in the United Nations, the Minister for Foreign Affairs of the People's Republic of China, by a note addressed to the Secretary-General, received on 29 September 1972, stated:

> "1. With regard to the multilateral treaties signed, ratified or acceded to by the defunct Chinese government before the establishment of the People's Republic of China, my Government will examine all their contents before making a decision in the light of the circumstances as to whether or not they should be recognized.
>
> "2. As from 1 October 1949, the day of the founding of the People's Republic of China, the Chiang Kai-Shek clique has no right at all to represent China. Its signature and ratification of, or accession to, any multilateral treaties by usurping the name of 'China' are all illegal and null and void. My Government will study these multilateral treaties before making a decision in the light of the circumstances as to whether or not they should be acceded to."

The lists in annexes I to III therefore do not include the signature of the two Covenants and the Optional Protocol on behalf of the "Republic of China" on 5 October 1967.

c/ Date of reception of notification of succession.

ANNEX II

List of States that have ratified or acceded to the International Covenant on Civil and Political Rights

State party	Date of receipt of the instrument of ratification, accession or succession	Date of entry into force
Afghanistan	24 January 1983 a/	24 April 1983
Albania	4 October 1991 a/	4 January 1992
Algeria	12 September 1989	12 December 1989
Angola	10 January 1992 a/	10 April 1992
Argentina	8 August 1986	8 November 1986
Armenia	23 June 1993	23 September 1993
Australia	13 August 1980	13 November 1980
Austria	10 September 1978	10 December 1978
Azerbaijan	13 August 1992 a/	13 November 1992
Barbados	5 January 1973 a/	23 March 1976
Belarus	12 November 1973	23 March 1976
Belgium	21 April 1983	21 July 1983
Benin	12 March 1992 a/	12 June 1992
Bolivia	12 August 1982 a/	12 November 1982
Brazil	24 January 1992 a/	24 April 1992
Bulgaria	21 September 1970	23 March 1976
Burundi	9 May 1990 a/	9 August 1990
Cambodia	26 May 1992 a/	26 August 1992
Cameroon	27 June 1984 a/	27 September 1984
Canada	19 May 1976 a/	19 August 1976
Central African Republic	8 May 1981 a/	8 August 1981
Chile	10 February 1972	23 March 1976
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983 a/	5 January 1984
Costa Rica	29 November 1968	23 March 1976
Côte d'Ivoire	26 March 1992 a/	26 June 1992
Croatia	12 October 1992 b/	8 October 1991
Cyprus	2 April 1969	23 March 1976
Czech Republic	22 February 1993 b/	1 January 1993
Democratic People's Republic of Korea	14 September 1981 a/	14 December 1981
Denmark	6 January 1972	23 March 1976
Dominica	17 June 1993 a/	17 September 1993
Dominican Republic	4 January 1978 a/	4 April 1978
Ecuador	6 March 1969	23 March 1976
Egypt	14 January 1982	14 April 1982
El Salvador	30 November 1979	29 February 1980
Equatorial Guinea	25 September 1987 a/	25 December 1987
Estonia	21 October 1991 a/	21 January 1992
Ethiopia	11 June 1993 a/	11 September 1993
Finland	19 August 1975	23 March 1976

State party	Date of receipt of the instrument of ratification, accession or succession	Date of entry into force
France	4 November 1980 a/	4 February 1981
Gabon	21 January 1983 a/	21 April 1983
Gambia	22 March 1979 a/	22 June 1979
Germany	17 December 1973	23 March 1976
Grenada	6 September 1991 a/	6 December 1991
Guatemala	6 May 1992	5 August 1992
Guinea	24 January 1978	24 April 1978
Guyana	15 February 1977	15 May 1977
Haiti	6 February 1991 a/	6 May 1991
Hungary	17 January 1974	23 March 1976
Iceland	22 August 1979	22 November 1979
India	10 April 1979 a/	10 July 1979
Iran (Islamic Republic of)	24 June 1975	23 March 1976
Iraq	25 January 1971	23 March 1976
Ireland	8 December 1989	8 March 1990
Israel	3 October 1991	3 January 1992
Italy	15 September 1978	15 December 1978
Jamaica	3 October 1975	23 March 1976
Japan	21 June 1979	21 September 1979
Jordan	28 May 1975	23 March 1976
Kenya	1 May 1972 a/	23 March 1976
Latvia	14 April 1992 a/	14 July 1992
Lebanon	3 November 1972 a/	23 March 1976
Lesotho	9 September 1992	9 December 1992
Libyan Arab Jamahiriya	15 May 1970 a/	23 March 1976
Lithuania	20 November 1991 a/	20 February 1992
Luxembourg	18 August 1983	18 November 1983
Madagascar	21 June 1971	23 March 1976
Mali	16 July 1974 a/	23 March 1976
Malta	13 September 1990 a/	13 December 1990
Mauritius	12 December 1973 a/	23 March 1976
Mexico	23 March 1981 a/	23 June 1981
Mongolia	18 November 1974	23 March 1976
Morocco	3 May 1979	3 August 1979
Mozambique	21 July 1993 a/	21 October 1993
Nepal	14 May 1991	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	28 December 1978	28 March 1979
Nicaragua	12 March 1980 a/	12 June 1980
Niger	7 March 1986 a/	7 June 1986
Nigeria	29 July 1993 a/	29 October 1993
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1977
Paraguay	10 June 1992 a/	10 September 1992
Peru	28 April 1978	28 July 1978
Philippines	23 October 1986	23 January 1987
Poland	18 March 1977	18 June 1977
Portugal	15 June 1978	15 September 1978

State party	Date of receipt of the instrument of ratification, accession or succession	Date of entry into force
Republic of Korea	10 April 1990 a/	10 July 1990
Republic of Moldova	26 January 1993 a/	26 April 1993
Romania	9 December 1974	23 March 1976
Russian Federation	16 October 1973	23 March 1976
Rwanda	16 April 1975 a/	23 March 1976
Saint Vincent and the Grenadines	9 November 1981 a/	9 February 1982
San Marino	18 October 1985 a/	18 January 1986
Senegal	13 February 1978	13 May 1978
Seychelles	5 May 1992 a/	5 August 1992
Slovakia	28 May 1993 b/	1 January 1993
Slovenia	6 July 1992 b/	25 June 1991
Somalia	24 January 1990 a/	24 April 1990
Spain	27 April 1977	27 July 1977
Sri Lanka	11 June 1980 a/	11 September 1980
Sudan	18 March 1986 a/	18 June 1986
Suriname	28 December 1976 a/	28 March 1977
Sweden	6 December 1971	23 March 1976
Switzerland	18 June 1992 a/	18 September 1992
Syrian Arab Republic	21 April 1969 a/	23 March 1976
Togo	24 May 1984 a/	24 August 1984
Trinidad and Tobago	21 December 1978 a/	21 March 1979
Tunisia	18 March 1969	23 March 1976
Ukraine	12 November 1973	23 March 1976
United Kingdom of Great Britain and Northern Ireland	20 May 1976	20 August 1976
United Republic of Tanzania	11 June 1976 a/	11 September 1976
United States of America	8 June 1992	8 September 1992
Uruguay	1 April 1970	23 March 1976
Venezuela	10 May 1978	10 August 1978
Viet Nam	24 September 1982 a/	24 December 1982
Yemen	9 February 1987 a/	9 May 1987
Yugoslavia	2 June 1971	23 March 1976
Zaire	1 November 1976 a/	1 February 1977
Zambia	10 April 1984 a/	10 July 1984
Zimbabwe	13 May 1991 a/	13 August 1991

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a/ Accession.

b/ Succession.

ANNEX III

List of States that have ratified or acceded to the First Optional Protocol to the International Covenant on Civil and Political Rights

State party	Date of receipt of the instrument of ratification, accession or succession	Date of entry into force
Algeria	12 September 1989 a/	12 December 1990
Angola	10 January 1992 a/	10 April 1992
Argentina	8 August 1986 a/	8 November 1986
Armenia	23 June 1993	23 September 1993
Australia	25 September 1991	25 December 1991
Austria	10 December 1987	10 March 1988
Barbados	5 January 1973 a/	23 March 1976
Belarus	30 September 1992 a/	30 December 1992
Benin	12 March 1992 a/	12 June 1992
Bolivia	12 August 1982 a/	12 November 1982
Bulgaria	26 March 1992 a/	26 June 1992
Cameroon	27 June 1984 a/	27 September 1984
Canada	19 May 1976 a/	19 August 1976
Central African Republic	8 May 1981 a/	8 August 1981
Chile	28 May 1992 a/	28 August 1992
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983 a/	5 January 1984
Costa Rica	29 November 1968	23 March 1976
Czech Republic	22 February 1993 b/	1 January 1993
Denmark	6 January 1972	23 March 1976
Dominican Republic	4 January 1978 a/	4 April 1978
Ecuador	6 March 1969	23 March 1976
Equatorial Guinea	25 September 1987 a/	25 December 1987
Estonia	21 October 1991 a/	21 January 1992
Finland	19 August 1975	23 March 1976
France	17 February 1984 a/	17 May 1984
Gambia	9 June 1988 a/	9 September 1988
Guinea	17 June 1993	17 September 1993
Guyana	10 May 1993 a/	10 August 1993
Hungary	7 September 1988 a/	7 December 1988
Iceland	22 August 1979 a/	22 November 1979
Ireland	8 December 1989	8 March 1990
Italy	15 September 1978	15 December 1978
Jamaica	3 October 1975	23 March 1976
Libyan Arab Jamahiriya	16 May 1989 a/	16 August 1989
Lithuania	20 November 1991 a/	20 February 1992
Luxembourg	18 August 1983 a/	18 November 1983
Madagascar	21 June 1971	23 March 1976
Malta	13 September 1990 a/	13 December 1990
Mauritius	12 December 1973 a/	23 March 1976

State party	Date of receipt of the instrument of ratification, accession or succession	Date of entry into force
Mongolia	16 April 1991 a/	16 July 1991
Nepal	14 May 1991 a/	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	26 May 1989 a/	26 August 1989
Nicaragua	12 March 1980 a/	12 June 1980
Niger	7 March 1986 a/	7 June 1986
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1977
Peru	3 October 1980	3 January 1981
Philippines	22 August 1989 a/	22 November 1989
Poland	7 November 1991 a/	7 February 1992
Portugal	3 May 1983	3 August 1983
Republic of Korea	10 April 1990 a/	10 July 1990
Romania	20 July 1993 a/	20 October 1993
Russian Federation	1 October 1991 a/	1 January 1992
Saint Vincent and the Grenadines	9 November 1981 a/	9 February 1982
San Marino	18 October 1985 a/	18 January 1986
Senegal	13 February 1978	13 May 1978
Seychelles	5 May 1992 a/	5 August 1992
Slovakia	28 May 1993 b/	1 January 1993
Slovenia	16 July 1993 a/	16 October 1993
Somalia	24 January 1990 a/	24 April 1990
Spain	25 January 1985 a/	25 April 1985
Suriname	28 December 1976 a/	28 March 1977
Sweden	6 December 1971	23 March 1976
Togo	30 March 1988 a/	30 June 1988
Trinidad and Tobago	14 November 1980 a/	14 February 1981
Ukraine	25 July 1991 a/	25 October 1991
Uruguay	1 April 1970	23 March 1976
Venezuela	10 May 1978	10 August 1978
Zaire	1 November 1976 a/	1 February 1977
Zambia	10 April 1984 a/	10 July 1984

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a/ Accession.

b/ Succession.

ANNEX IV

List of States that have signed, ratified or acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

State party	Signature	Date of receipt of the instrument of ratification or accession
Australia		2 October 1990 a/
Austria	8 April 1991	2 March 1993
Belgium	12 July 1990	-
Costa Rica	14 February 1990	-
Denmark	13 February 1990	-
Ecuador	-	23 February 1993 a/
Finland	13 February 1990	4 April 1991
Germany	13 February 1990	18 August 1992
Honduras	10 May 1990	-
Iceland	30 January 1991	2 April 1991
Ireland	-	18 June 1993 a/
Italy	13 February 1990	-
Luxembourg	13 February 1990	12 February 1992
Mozambique	-	21 July 1993 a/
Netherlands	9 August 1990	27 February 1991
New Zealand	22 February 1990	22 February 1990
Nicaragua	21 February 1990	-
Norway	13 February 1990	5 September 1991
Panama	-	21 January 1993 a/
Portugal	13 February 1990	17 October 1990
Romania	15 March 1990	27 February 1991
Spain	23 February 1990	11 April 1991
Sweden	13 February 1990	11 May 1990
Uruguay	13 February 1990	21 January 1991
Venezuela	7 June 1990	22 February 1993

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a/ Accession.

UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/48/507/Corr.1
15 November 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 114 (a)

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Status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights

Report of the Secretary-General

Corrigendum

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93-63512 (E) 151193

151193

UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/48/507/Corr.2
19 November 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 114 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

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Report of the Secretary-General

Corrigendum

Page 11, annex III

Insert the following entry after Costa Rica:

Cyprus	15 April 1992	15 July 1992

93-64815 (E) 191193 211193

UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/48/508
28 October 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 115 (a)

EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS

Report of the Secretary-General

1. Pursuant to General Assembly resolution 46/111 of 17 December 1991 and resolution 1992/15 of 21 February 1992 of the Commission on Human Rights, the fourth meeting of persons chairing the human rights treaty bodies was convened by the Secretary-General at the United Nations Office at Geneva from 12 to 16 October 1992. The report of that meeting was subsequently issued as an official document of the General Assembly (A/47/628) and the conclusions and recommendations contained therein were made available to the Assembly for preliminary consideration at its forty-seventh session. In its resolution 47/111 of 16 December 1992, the General Assembly requested the Secretary-General, in the light of the views expressed at the forty-ninth session of the Commission on Human Rights and the thirty-seventh session of the Commission on the Status of Women, to submit to it at its forty-eighth session a report examining those conclusions and recommendations. The present report is submitted in accordance with that request.

2. The report of the fourth meeting of persons chairing the human rights bodies was considered by the Commission on Human Rights at its forty-ninth session. Delegations noted that the institutionalization of the biennial meetings of the chairpersons represented considerable progress towards achieving better coordination among the human rights treaty bodies and greater effectiveness of the treaty monitoring system as a whole. Concern was expressed that the effectiveness of the treaty system continued to be impeded by the large number of substantive reservations, by the inadequate level of resources available for servicing the committees and by the disruptions of the implementation process resulting from the large number of overdue reports from States parties. Delegations emphasized the importance of achieving universality in the ratification of the human rights instruments and urged States to limit their reservations as much as possible when adhering to human rights instruments. Particular support was expressed for suggestions concerning the role that human rights treaty bodies could play in the future in preventing

human rights violations and thereby serving as part of an effective early warning system to help preserve international peace and security. In that connection, the Commission welcomed the recently adopted practice of requesting States parties for additional information or special reports on an ad hoc basis, particularly in cases of massive violations of human rights.

3. In its resolution 1993/16 of 26 February 1993, the Commission on Human Rights, inter alia, endorsed the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures, as well as the continuing efforts in that connection by the treaty bodies and the Secretary-General within their respective spheres of competence. It also welcomed the emphasis placed by the meetings on the importance of technical assistance and advisory services and, further to that end, invited the treaty bodies to give priority attention to identifying such possibilities in the regular course of their reviewing the periodic reports of States parties. The Commission endorsed, too, the recommendations of the meetings on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies. Additionally, in its resolution 1993/23 of 5 March 1993, the Commission on Human Rights encouraged successor States to confirm that they continued to be bound by obligations under relevant international human rights treaties and urged such States to accede to or ratify international human rights treaties to which the predecessor States were not parties.

4. In accordance with a recommendation made at the fourth meeting of persons chairing the human rights treaty bodies (A/47/628, para. 80) the Secretariat organized at Vienna on 15 and 16 June 1993, within the framework of the World Conference on Human Rights, a meeting of the persons chairing the United Nations human rights treaty bodies and those chairing each of the principal regional and other human rights bodies, including the African Commission on Human and Peoples' Rights, the European Commission on Human Rights, the European Court of Human Rights, the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights and the Committee on the Application of Conventions and Recommendations of the International Labour Organization. At that meeting the participants adopted the "Vienna statement of the international human rights treaty bodies" 1/ which includes recommendations for general principles and suggestions on specific issues and recommendations that the World Conference was requested to reflect in its Programme of Action. They considered, inter alia, that failure by States parties to comply with international treaty obligations, including a failure to report as required, constituted a violation of international law. They also felt that meetings between international and regional treaty bodies had great potential value for promoting human rights and should be held regularly.

5. The conclusions and recommendations contained in the report of the fourth meeting of persons chairing the human rights treaty bodies were also discussed by some of the individual treaty bodies.

6. Members of the Human Rights Committee expressed full agreement, in particular, with the chairpersons' views concerning succession in relation to human rights obligations, the timely submission of overdue reports and the problem of reservations deemed incompatible with the object and purpose of an instrument. Members welcomed, in particular, resolution 1993/23 of the

Commission on Human Rights and considered possible action the Committee could take to encourage successor States to confirm their acceptance of their obligations under the Covenant. In discussing the problem of reservations, members underlined the importance of the Committee's earlier decision to prepare a general comment on that question. They also noted, with regard to the development of effective responses in emergency situations, that the Committee already had experience in handling such cases and that its working methods could be developed further.

7. Members of the Committee on the Elimination of Racial Discrimination noted with particular interest the conclusions and recommendations contained in the chairpersons' report concerning the development of effective responses to emergency situations. They also recalled that the Secretary-General emphasized the primary importance of preventing human rights violations before they occurred and the need to identify, at the earliest possible stage, situations that could produce conflict. As a result of the consideration of those issues, the Committee adopted a working paper on the prevention of racial discrimination, including early warning and urgent procedures (see A/48/18, 2/ annex III), to guide it in its work. Members also emphasize the need to encourage wider ratification of the Convention, particularly in regard to successor States to former States parties; the need for adequate secretariat resources for servicing the treaty bodies; and the need for a resource room where information relevant to the work of the Committee would be available for consultation by members.

8. The Committee on the Rights of the Child welcomed in particular the chairpersons' recommendation emphasizing the value of holding treaty body meetings at venues other than Geneva, New York and Vienna and requesting the Secretary-General to explore innovative ways and means for bringing that about. The Committee also welcomed the important recommendation in support of the proposal to explore ways of empowering the Secretary-General and expert human rights bodies to bring massive violations of human rights to the attention of the Security Council, recalling that the recommendation reflected the same concerns as those addressed by the urgent action procedure the Committee had itself adopted at its second session.

Notes

1/ A/CONF.157/TBB4 and Add.1.

2/ To be issued as Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18 (A/48/18).

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/508/Corr.1
15 November 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 114 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Conclusions and recommendations of the fourth meeting of persons chairing human rights treaty bodies

Report of the Secretary-General

Corrigendum

Page 1, heading and subheading

The heading and subheading of the document should read as above.

93-63622 (E) 161193 161193

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/509
2 November 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 114 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Implementation of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities

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I. INTRODUCTION

1. The General Assembly, at its forty-seventh session, adopted resolution 47/135 of 18 December 1992 entitled "Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities" by which it adopted the Declaration, the text of which was annexed to the resolution. In the same resolution the Assembly requested the Secretary-General to ensure the distribution of the Declaration as widely as possible and to include it in the next edition of Human Rights: A Compilation of International Instruments; invited the relevant organs and bodies of the United Nations, among others, treaty bodies and representatives of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, to give due regard to the Declaration within their mandates; and requested the Secretary-General to consider appropriate ways for the effective promotion of the Declaration and to make proposals thereon.

2. The Assembly also requested the Secretary-General to report to it at its forty-eighth session on the implementation of this resolution under the item entitled "Human rights questions". The present report is submitted to the General Assembly in pursuance of resolution 47/135.

II. ACTIVITIES OF THE RELEVANT ORGANS AND BODIES OF THE UNITED NATIONS GIVING DUE REGARD TO THE DECLARATION WITHIN THEIR MANDATES

A. Commission on Human Rights

3. At its thirty-fourth session, in 1978, the Commission on Human Rights decided to create an informal open-ended working group to draft a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities on the basis of a draft presented by the former Yugoslavia. The final text of the draft declaration prepared by the Working Group was recommended to and approved by the Commission on Human Rights at its forty-eighth session, in 1992. In its resolution 1992/16 of 21 February 1992, the Commission transmitted the Declaration to the Economic and Social Council with the recommendation that it be adopted. The Council gave its approval in its resolution 1992/4 of 20 July 1992, recommending the Declaration to the General Assembly for adoption.

4. At its forty-ninth session, the Commission adopted resolution 1993/24 of 5 March 1993, in which it called upon all States to promote and give effect as appropriate to the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities as adopted by the General Assembly. The Commission further affirmed that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, contributed to the prevention and peaceful solution of human rights problems and situations involving minorities.

5. Welcoming the increased attention given by human rights treaty bodies to non-discrimination against minorities and their protection and noting with appreciation the work of the Subcommission on Prevention of Discrimination and Protection of Minorities on ways and means of facilitating the peaceful and constructive solution and management of problems involving minorities by, inter alia, early warning and early action, communication and dialogue among the parties concerned, the Commission urged all treaty bodies and special representatives, special rapporteurs and working groups of the Commission and the Subcommission to give due regard to the Declaration, as appropriate, within their mandates.

6. Expressing the belief that the programme of advisory services and technical assistance of the Centre for Human Rights could play a useful role in providing expertise, advice and services related to minorities, the Commission called upon the Secretary-General to make available, at the request of Governments, as part of the programme of advisory services and technical assistance of the Centre for Human Rights, qualified experts familiar with minority issues, as well as with the prevention, resolution and/or management of disputes, to assist in existing or potential situations involving minorities.

7. The Commission further requested the Secretary-General, in the implementation of resolution 1993/24, to provide additional human and financial resources for such advisory services and technical assistance of the Centre for Human Rights, within the existing overall resources of the United Nations.

B. Subcommission on Prevention of Discrimination and Protection of Minorities

8. The protection of minorities has been the subject of several studies prepared by the members of the Subcommission since the 1960s. The final report of one of its members, Mr. Asbjorn Eide, on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities 1/ has direct relevance for the implementation of the Declaration. This is especially true with respect to all the recommendations contained in Addendum 4 of the Special Rapporteur's final report. In particular, attention may be drawn to the following recommendations:

...

> "2. Specific guidelines for the recommendations can be derived from a combined use of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Together, these instruments should be held to constitute minimum rules for peaceful coexistence and constructive cooperation among members of different ethnic, religious and linguistic groups inside States, to be supplemented by the provisions of the Declaration on the Rights of Indigenous Peoples, when the latter is adopted.
>
> ...

"7. It is recommended that national forums (councils, commissions) be set up to propose, for the national legislature and administration, appropriate guidelines for the combined implementation of ICERD and the 1992 Declaration on Minorities, taking into account the particular situations in the country concerned. The different ethnic, religious and linguistic groups existing in the country, whether minorities or majorities, should be represented in such national forums.

...

"27. In their bilateral relations, States should engage in constructive cooperation to facilitate reciprocal protection of the equality and promotion of group identities. States should conclude bilateral treaties or other arrangements on good-neighbourly relations based on the principles of the Charter and on international human rights law, combining commitments of strict non-intervention with provisions for cooperation in facilitating the promotion of conditions for the maintenance of group identities and transborder contacts by members of minorities.

"28. The contents of the provisions on minorities contained in such treaties and other bilateral arrangements should be based on universal and regional instruments on equality, non-discrimination and minority rights, including the Document of the Copenhagen Meeting on the Human Dimension of the Conference on Security and Cooperation in Europe (CSCE) of 1990 and the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic Religious and Linguistic Minorities. Where specific minorities are mentioned in such provisions, the treaty should contain an additional provision ensuring that minorities not mentioned in the treaty shall enjoy the same level of protection and promotion of their existence and identity.

...

"36. The Subcommission on Prevention of Discrimination and Protection of Minorities was established in 1947 with the primary task of making recommendations in this field. It should now consider the feasibility and usefulness of the preparation of a comprehensive programme of action which would include measures for the elimination of racial, ethnic and religious discrimination combined with measures to promote the rights of members of ethnic, religious and linguistic minorities, based on respect for territorial integrity and the promotion of the political and social stability of States. The programme of action should be seen in conjunction with the efforts to promote the rights of indigenous peoples.

"37. To develop such a comprehensive programme would correspond to the mandate of the Subcommission as reflected in its title. A broad, coherent strategy would require considerable efforts, drawing together the Programme of Action for the Third Decade to Combat Racism, the concluding observations and general recommendations adopted by the Committee on the Elimination of Racial Discrimination (CERD), recommendations for the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, recommendations for the implementation, when adopted, of the Universal Declaration on the Rights of Indigenous Peoples, and other elements. Should the Subcommission

take it upon itself to draft such a broad programme of action, it would reflect its multidimensional work in the field of prevention of discrimination and protection of minorities.

...

"39. More specifically, the Subcommission should study problems affecting the situation of minorities in several parts of the world.

...

"44. The Commission on Human Rights should consider establishing a working group on minority issues which should provide access to representatives of both Governments and minorities. The mandate of the group might be to examine the situation in different parts of the world and to develop more specific guidelines for the implementation of the 1992 Declaration. The Commission and its working group should thereby be made the focal point for all United Nations activities undertaken within respective mandates. By providing a voice for the groups concerned, it would serve to facilitate communication between minorities and Governments and to develop methods for conflict resolution or direction of the conflict into peaceful channels.

"45. The Commission on Human Rights should ensure that fact-finding and reporting under the special procedures (the thematic and country rapporteurs and the working groups on disappearances and on detention) also address minority issues under the respective mandates.

"46. The Centre for Human Rights should consider the formation of a team dealing with prevention of discrimination and protection of the rights of vulnerable minorities and of indigenous peoples, ensuring continuity and competence in the subject."

9. The Subcommission, at its forty-fifth session, adopted resolution 1993/43 of 26 August 1993, entitled "Protection of minorities", in which it took note of the adoption by the General Assembly of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and expressed its conviction that its implementation was the best guidance for solutions to situations involving minorities in accordance with international law, including the respect for the territorial integrity and political independence of States.

10. The Subcommission recommended to the Commission on Human Rights:

"(a) To study the proposal contained in recommendation 44 of the report aimed at the establishment of a working group on minority issues open to representatives of both Governments and minorities, and the mandate to be given to such a group;

"(b) To study and to give advice to the Centre for Human Rights concerning recommendations 46 and 47 of the report, in particular ways in which the programme of technical assistance and advisory services can help in the prevention of group conflicts."

11. In another resolution, 1993/42 of 26 August 1993, entitled "Rights of persons belonging to national or ethnic, religious and linguistic minorities", the Subcommission, desirous of increasing the effectiveness of the implementation of the Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, appealed to all States to take all the necessary municipal, legislative, administrative and other measures to promote and give effect to the principles of the Declaration, paying special attention to the protection of the rights of national or ethnic minorities in areas of armed conflict. It strongly appealed to all States to conclude bilateral or, where possible, multilateral agreements in order to ensure the rights of national or ethnic minorities in their countries, and to observe them in accordance with the standards of international law and of international humanitarian law in cases of armed conflict that directly affected their interests.

C. United Nations Centre for Human Rights

12. The main function of the Centre for Human Rights in the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities is to assist the General Assembly, the Economic and Social Council, the Commission and the Subcommission, as well as the relevant treaty bodies, in this endeavour.

13. The Centre also carries out research and studies in this field, assists in the preparation of reports by special rapporteurs and administers the programme of advisory services and technical assistance relating to the implementation of the Declaration.

14. In particular, in compliance with Subcommission resolution 1991/22 and decisions 1992/112 of the Commission and 1992/254 of the Economic and Social Council, the Centre convened a technical meeting of experts on minorities, which took place at Geneva from 2 to 4 February 1993. The purpose of the meeting was to provide an opportunity for the six experts to exchange views on the progress reports of the Special Rapporteur of the Subcommission and to supply him with a useful basis for guidance in finalizing his study. The views expressed, however, were also useful for the debate on the implementation of the provisions of the Declaration. 2/

15. The participants particularly welcomed the adoption of the Declaration by the General Assembly, expressing their hope that its provisions would be used increasingly as points of reference by the international human rights bodies and cited in national and international court decisions.

16. It was noted that no definition of minorities was contained in the Declaration. Participants expressed doubts as to the necessity or usefulness of such a definition. The belief that a common definition and a common set of rights should apply to all minorities had been an obstacle in the past.

17. They suggested that a more practical approach should be found. It should emphasize a proper analysis of the particular problem faced by the minority in a given situation and finding a solution to that problem in conformity with

international law in general and human rights instruments in particular. This approach should also guide the efforts to implement the Declaration.

18. Additionally, the Centre for Human Rights, in cooperation with the Romanian Institute for Human Rights and within the framework of its technical cooperation programme with Romania, organized in May 1993 the Workshop on Conflict Resolution between Citizens and State Organs. Participants were selected from among minorities, trade unions, non-governmental organizations and government agencies.

19. The Centre also organized, with the Municipality of the City of Barcelona and the United Nations Association of Spain, the European Conference on International Human Rights Standards for the countries of the Conference on Security and Cooperation in Europe in January 1992. Minorities and refugees were among the main topics covered by the Conference. The Conference concluded with two round-table discussions, one of which dealt with the issues of minorities, refugees and migrant workers.

20. Future activities of the United Nations programme of advisory services and technical assistance encompass aid to Governments in improving the situation of national minorities in compliance with the provisions of the Declaration. These services also include the provision of experts to help in drafting laws, the organization of national and regional training programmes, workshops and seminars, and the granting of fellowships and internships.

21. In accordance with General Assembly resolution 47/135, the text of the Declaration was included in the new edition of Human Rights: a compilation of international instruments. 3/ The Centre also published a Fact Sheet (No. 18) on minority rights to which the text of the draft Declaration as adopted by the Commission on Human Rights was annexed.

III. SPECIALIZED AGENCIES

A. International Labour Organization

22. The International Labour Organization (ILO) pointed out 4/ that its principal goals included the promotion of the human rights of indigenous and tribal peoples and the enhancement of their position within national societies, with respect for their cultural specificity. To attain these goals, ILO uses both specific standards on the subject and a targeted technical cooperation programme. These two approaches are closely linked and are mutually supportive.

23. ILO also stated that the sharp growth in inter-ethnic conflicts world wide had revealed the need for a new relationship between the State and indigenous and tribal peoples and other minority groups.

B. United Nations Educational, Scientific and Cultural Organization

24. The Executive Board of the United Nations Educational, Scientific and Cultural Organization examined at its one hundred forty-first session the protection and promotion, within UNESCO's fields of competence, of the rights of persons belonging to minorities. The Executive Board discussed, inter alia, the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and will continue this discussion at its next session. The subject is also being considered by the General Conference of UNESCO at its current twenty-seventh session in the context of proposed programme and budget for 1994-1995.

25. The June 1993 issue of The UNESCO Courier, devoted to the question of the rights of persons belonging to minorities, discussed the provisions of the Declaration.

26. In addition, in collaboration with UNESCO, the Institute of Ethnology and Anthropology of the Russian Academy of Sciences organized a workshop entitled "Democracy and Minorities in Post-Totalitarian States" in Moscow, from 8 to 10 September 1993. Scholars and experts from Europe, North America, States of the former Soviet Union and representatives of international organizations were invited to analyse the political and legal status and situation of minorities in both the Republics of the former Soviet Union and the countries of Central and Eastern Europe, to determine and evaluate the most urgent issues and to elaborate recommendations based on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as on resolution 1993/24 of the Commission on Human Rights.

27. In collaboration with UNESCO and with its support, the Maragopoulos Foundation is organizing an international expert meeting on "New Forms of Discrimination" that will take place in Athens, in March-April 1994.

28. The General Conference of UNESCO is discussing measures to assure the implementation of such international instruments as the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the International Convention on the Elimination on All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and other relevant international legal texts.

IV. TREATY BODIES

A. Human Rights Committee

29. The Human Rights Committee, a body of independent experts that monitors the observance of the International Covenant on Civil and Political Rights, has given opinions on a number of communications submitted by persons complaining of violations of article 27. The Committee, in its interpretation of article 27, might take into account the provisions of the Declaration.

30. The Committee's assistance in conflict prevention can also be regarded as a direct contribution to the implementation of the Declaration. For instance, at its forty-sixth session, held from 19 October to 6 November 1992, the Human Rights Committee considered the special reports it had urgently requested from Bosnia and Herzegovina, Croatia and Yugoslavia (Serbia and Montenegro) in view of the "recent and current events" in the territory of the former Yugoslavia, especially Bosnia and Herzegovina.

31. In its decision 5/ the Committee also requested from the States concerned a short report on measures taken in relation to articles 6 and 12 of the Covenant, to prevent and combat the policy of "ethnic cleansing" pursued, according to reports, on the territory of the former Yugoslavia; measures taken to prevent arbitrary arrests and killings of persons, as well as disappearances, in relation to articles 6 and 9 of the Covenant; measures taken to prevent arbitrary executions, torture and other inhuman treatment in detention camps, in relation to articles 6, 7 and 10 of the Covenant; and measures taken to combat advocacy of national, racial or religious hatred constituting incitement to discrimination, hostility or violence, in relation to article 20 of the Covenant.

32. Subsequent to its consideration of the special reports, the Human Rights Committee provisionally adopted an amendment to its rules of procedure designed to cover the submission of all special reports it urgently requests as a result of situations of serious human rights violations, including the violations of the rights of minorities.

B. Committee on the Elimination of Racial Discrimination

33. The International Convention on the Elimination of All Forms of Racial Discrimination does not have any specific articles aimed at the promotion and protection of the rights of minorities. CERD can contribute to the implementation of the Declaration by calling attention to incidents of racial hatred and violence or appealing for racial or ethnic tolerance by persons, groups or organizations, notably by elected or other officials.

C. Other treaty bodies

34. Other treaty bodies can also contribute to the implementation of the Declaration by working to ensure that the human rights set forth in the pertinent conventions are enjoyed without discrimination and by raising specific questions relating to minorities.

35. The Secretary-General, in his report to the General Assembly at its forty-seventh session on the work of the Organization, 6/ emphasized the fundamental importance of preventing human rights violations before they occur. In this regard, the United Nations must be able to identify situations which could degenerate into violations and to take preventive measures. In situations of tension related to minorities, for example, intervention based on widely accepted standards could dissipate misunderstandings and help build a framework for living together.

36. The report of the Secretary-General also identified "the need to consider ways to empower the Secretary-General and the expert human rights bodies to bring massive violations of human rights to the attention of the Security Council together with recommendations for action". The chairpersons of the human rights treaty bodies, at their fourth meeting, expressed their full support for the statement by the Secretary-General and urged the treaty bodies to take all appropriate measures in response to such situations. 7/

V. SPECIAL RAPPORTEURS AND INDEPENDENT EXPERTS

37. There are cases in which special rapporteurs and independent experts, appointed by United Nations human rights bodies to investigate human rights situations in specific regions and countries, as well as thematic issues such as religious intolerance, find themselves face to face with violations of minority rights. In this connection, they can examine how the provisions of the Declaration are implemented and make relevant recommendations.

VI. NON-GOVERNMENTAL ORGANIZATIONS AND HUMAN RIGHTS INSTITUTES

38. International non-governmental organizations play an important part in promoting and protecting human rights. Either directly or through their national affiliates they are close to situations of tension, conflict, and economic and social distress. They are frequently involved in mediation and are able to mobilize international as well as national public opinion when the rights of minorities are neglected or violated. They also have well-established contacts and communications with minority groups.

39. Through research, the publishing of reports, and by serving as channels and platforms for oppressed groups on the one hand, and, on the other, by providing timely and factual information to intergovernmental bodies on human rights problems, non-governmental organizations open a new dimension in international relations. This has already had a significant impact on understanding of minority human rights issues and action to deal with them.

40. One example of such activities by non-governmental organizations and institutes for human rights is the workshop organized by the Institute for Human Rights of Abo Akademi University, in cooperation with the Minority Rights Group (International) and the Finnish Ministry for Foreign Affairs and its Advisory Board for International Human Rights Affairs, held in Turku/Abo, Finland in May 1993. That meeting stressed that non-discrimination and special measures leading to the equal enjoyment of all human rights remain the basis of minority rights protection. Provisions in the Declaration that constitute further development of previously existing standards, such as those relating to existence, identity and full participation, were particularly noted. The planning and implementation of national policies and programmes, as well as programmes of cooperation and assistance among States, in accordance with article 5 of the Declaration, calls for due regard for the legitimate interests of persons belonging to minorities. New state mechanisms were called for to fulfil this commitment. It was also noted that the full participation of minorities in public life may, in some cases, call for special arrangements involving, inter alia, local government, federalism or autonomy.

41. The meeting also underlined the importance of the provisions of the Declaration for the United Nations and its specialized agencies in the realization of minority rights. Participants expressed the conviction that these organizations, as well as regional institutions such as the Conference on Security and Cooperation in Europe and the Council of Europe, should do more to implement the Declaration, as well as minority rights provisions in other existing human rights instruments.

42. It was pointed out that in the promotion and protection of minority rights, including the activities undertaken by intergovernmental organizations, representatives of minorities should have the opportunity to participate and present their views. This opportunity should be extended to standard-setting, implementation, promotional activities, technical assistance and the prevention and resolution of conflicts. Full consideration should be given to the establishment of a voluntary fund to encourage the participation of minorities in this work.

43. In the view of the participants, the Declaration expresses minimum standards relevant to all national or ethnic, religious and linguistic minorities and applicable in all situations. It is important to recognize that the implementation of the Declaration is a continuing process requiring sustained attention and resources by all parties concerned.

VII. CONCLUSIONS AND RECOMMENDATIONS

44. In his report, entitled "An Agenda for Peace", the Secretary-General noted that one of the aims of the United Nations in the changed international context must be to identify at the earliest possible stage situations that could produce conflict. The Secretary-General also noted that the stability of States would be enhanced by their commitment to human rights with a special sensitivity to the rights of minorities and by the increasingly effective machinery of the United Nations dealing with human rights.

45. Further, he stated that:

> "The time of absolute and exclusive sovereignty ... has passed; its theory was never matched by reality. ... Yet if every ethnic, religious or linguistic group claimed statehood, there would be no limit to fragmentation, and peace, security and economic well-being for all would become ever more difficult to achieve."

46. At the same time, as stated in the preamble of the Declaration, "the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities can contribute to the political and social stability of States in which they live."

47. It should be reiterated that questions relating to minorities can be satisfactorily resolved only in a democratic political framework based on the rule of law, with a functioning independent judiciary. This framework guarantees full respect for human rights and fundamental freedoms; equal rights and status for all citizens, including persons belonging to minorities; the free expression of all their legitimate interests and aspirations; political

pluralism; social tolerance; and the implementation of legal rules that place effective restraints on the abuse of governmental power.

48. There is evidence that many minorities are subject to grave and persistent violations of their basic rights. Therefore there is a need for protection of minority rights, especially considering recent outbreaks of violence and even civil war, which may be directly attributable to national, ethnic or religious conflicts. Given that situation, special efforts must be made to resolve specific problems in a constructive manner and through dialogue, by means of negotiations and consultations and other forms of voluntary dispute avoidance.

49. The adoption of the Declaration by the General Assembly was a welcome development for the body of international standards in the field of promotion and protection of human rights of persons belonging to minorities.

50. In connection with the implementation of the Declaration, the United Nations human rights organs and bodies should be guided by the relevant provisions of the 1993 Vienna Declaration and Programme of Action, which stated:

> "... The World Conference on Human Rights calls on the Commission on Human Rights to examine ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities. In this context, the World Conference on Human Rights calls upon the Centre for Human Rights to provide, at the request of Governments concerned and as part of its programme of advisory services and technical assistance, qualified expertise on minority issues and human rights, as well as on the prevention and resolution of disputes, to assist in existing or potential situations involving minorities." 8/

51. Evidence that minority rights in general and their implementation in particular are a vital issue is manifest in the consideration of those issues and related proposals by the Commission on Human Rights, the Subcommission and the Special Rapporteur of the Subcommission. Those proposals may be considered as a basis for further concrete measures to be taken by the relevant United Nations organizations, organs and bodies aimed at the implementation of the Declaration.

52. Much remains to be done by States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in accordance with the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities. As the World Conference on Human Rights stated measures to be taken, where appropriate, should include facilitation of their full participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development in their country. 9/

53. The importance of adopting, where necessary, special measures for the purpose of ensuring to persons belonging to national and other minorities full equality with other citizens in the exercise and enjoyment of human rights and fundamental freedoms can be reconfirmed. There is also the need to take measures to protect the ethnic, cultural, linguistic and religious identity of

minorities and create conditions for the promotion of that identity; any such measures should be in conformity with the principles of equality and non-discrimination with respect to the other citizens of the States concerned.

54. Issues concerning persons belonging to minorities, as well as compliance with international obligations and commitments concerning the rights of such persons, are matters of legitimate international concern and consequently do not constitute an exclusively internal affair of the particular State.

55. Special efforts must be made to resolve specific problems in a constructive manner and through dialogue by means of negotiations and consultations with a view to improving the situation of persons belonging to minorities. The promotion of dialogue between States, and between States and persons belonging to minorities, with a view to the implementation of the Declaration should be encouraged. Unilateal, bilatral and multilateral efforts by Governments to explore avenues for enhancing the effectiveness of the implementation of the Declaration should also be encouraged.

Notes

1/ E/CN.4/Sub.2/1993/34 and Add.1-4.

2/ E/CN.4/1993/85.

3/ ST/HR/1/Rev.1; also United Nations publication, Sales No. E.93.XIV.1.

4/ See A/CONF.157/PC/61/Add.10.

5/ CCPR/C/SR.1178/Add.1, para. 5.

6/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 1 (A/47/1), paras. 101-102.

7/ A/47/628, para. 43.

8/ A/CONF.157/23, chap. II.B.2, para. 25.

9/ Ibid., para. 27.

UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/48/509/Corr.1
30 November 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 114 (b)

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Report of the Secretary-General

Corrigendum

Page 1, heading:

The heading of the document should read as above.

93-67407 (E) 011293

UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/48/509/Add.1
9 November 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 114 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Report of the Secretary-General

Addendum

1. The present addendum to the report of the Secretary-General (A/48/509) is submitted to the General Assembly in pursuance of its resolution 47/135 of 18 December 1992, entitled "Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities", in which the Assembly requested the Secretary-General to report to it at its forty-eighth session on the implementation of the resolution under the item entitled "Human rights questions".

2. A workshop, organized and sponsored by the Minority Rights Group, a non-governmental organization in consultative status with the Economic and Social Council (Roster), was held on 6 October 1993 in New York on the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (resolution 47/135, annex). The text of the report of that workshop is annexed hereto.

ANNEX

Report of a workshop on the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

1. The workshop on the implementation of the Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was organized on 6 October 1993 in New York by the Minority Rights Group in cooperation with the United Nations Association of the United States of America and the Jacob Blaustein Institute for the Advancement of Human Rights.

2. Participants welcomed the support of the Secretary-General for the Declaration as expressed in "An Agenda for Peace" (A/47/277-S/24111, para. 18), and his stress on the need for special sensitivity to the situation of minorities as well as the stability of States. The protection of enhanced minority rights by the United Nations is important and timely. The report of the Secretary-General on the implementation of the Declaration could therefore have an important impact on the way the United Nations system responds and organizes itself to address minority protections. This in turn will influence the effective preservation of human rights and international peace and security.

3. Effective implementation of the elements in the Declaration requires that all parts of the United Nations system - including each department and specialized agency - strive for greater cooperation and coordination on matters affecting the rights of persons belonging to minorities.

4. There is a critical need for relevant United Nations statistical and economic departments to carry out a regular collection and dissemination of data on the treatment of different minorities as part of their analyses provided to United Nations operational agencies. Special training may be needed to sensitize personnel on such topics. The information gathered should be disaggregated as appropriate for relevant sectoral work of departments and programmes of the United Nations and its specialized agencies.

5. Means should be established to ensure that information from the specialized agencies, Governments and all appropriate non-governmental agencies should be efficiently and promptly channelled to relevant Secretariat offices to aid in the new early warning and preventive diplomatic efforts. This too will require enhanced coordination among the various branches of the United Nations system and specialized training of field officers about the principles of human and minority rights.

6. To accomplish this, the executive head of each specialized agency and other United Nations departments and programmes should inform field officers that they have specific duties in relation to the Declaration and should prepare, circulate and analyse the results of questionnaires addressed to field officers regarding those duties. Further, the executive heads should explore means to train agency personnel appropriately and should make use of the information and expertise on the rights of persons belonging to minorities that are available from non-governmental organizations. The Department of Public Information

should be encouraged to cooperate actively in such endeavours, to appoint officers to work closely with operational personnel and to allocate funds to the preparation of educational material relevant to the Declaration.

7. Each of the specialized agencies and other organizations and programmes of the United Nations system should be asked to appoint one or more persons to be responsible for that agency's contribution to the full realization of the rights and principles set forth in the Declaration in accordance with its article 9 and in fulfilment of paragraph 3 of resolution 47/135 of 18 December 1992. Among the responsibilities of such "focal points" should be the assessment and evaluation of the effect of relevant programmes on minority communities.

8. Sensitivity to minority issues is crucially relevant to peace-keeping and post-conflict peace-building. There is a special need to train peace-keepers and others involved in national reconciliation programmes about the rights of minorities and other non-discrimination instruments. Special efforts should be made in the field of post-conflict peace-building to develop cross-community programmes.

9. Greater use should be made of the Voluntary Fund for Technical Cooperation in the Field of Human Rights of the Centre for Human Rights with regard to the rights of persons belonging to minorities, as recommended by the World Conference on Human Rights, held at Vienna in 1993. These and other parts of the United Nations system should offer assistance to Governments in protecting diversity.

10. There is a critical need to ensure the perspectives and participation of persons belonging to minorities in the deliberations and activities of the United Nations system. Participation should be encouraged in all areas where the interests of minority groups are at stake.

11. One mechanism for raising minority concerns, encouraging participation and addressing grievances should be to establish a working group, perhaps within the human rights programme, to examine questions related to the implementation of the Declaration. The working group should be empowered to receive credible and reliable reports from all appropriate sources, including governmental, intergovernmental and non-governmental organizations, and should have the capacity to respond effectively to credible and reliable information affecting cases and situations involving the rights of persons belonging to minorities and to make urgent inquiries with the aim of the humanitarian resolution of problems. It should promote positive measures to implement the Declaration. The working group could invite persons to present testimony in person and might dispatch members of the group or their representatives to examine situations. The working group should submit regular reports, as information warrants, regarding the implementation of the Declaration, including the occurrence and extent of incidents inconsistent with the provisions therein, together with conclusions and recommendations.

12. Annual reporting by the Secretary-General to the General Assembly on the implementation of the Declaration should become a regular practice.

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93-67400 (E) 011293 *011293*